

CITY OF HOLLISTER - AGENDA

for **City Council and Redevelopment Agency Meetings**

of **March 21, 2005**

at **7:00 p.m.** in the City Council Chambers, City Hall, 375 Fifth Street, Hollister

NOTICE TO PUBLIC

Persons who wish to address the City Council must complete a Speakers Card and give it to the Clerk prior to addressing the City Council. Those who wish to address the City Council on an agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the agenda will be heard under the Public Input section, Section B, of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the public portion of the meeting will be closed and the matter brought to the City Council for discussion and action.

Requests to make presentations to the City Council should be submitted to the City Clerk's Office at least ten days preceding the City Council meeting. It is customary for the staff members to review such matters prior to formal presentation in order that the City Council may have the benefit of all available data.

All matters listed under Consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

**** 6:00 p.m. - Study Session -- See Attached Agenda.**

**** 6:05 p.m. - Closed Session -- See Attached Agenda.**

Call to Order

Pledge of Allegiance

Roll Call:

Mayor Pauline Valdivia, Council Members Brad Pike, Robert Scattini, Doug Emerson and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

Verification of Agenda Posting

Proclamation: City of Hollister: Colon Cancer Free Zone

6:05 P.M. - CLOSED SESSION AGENDA:

- A. Public comment (limited to any item listed on Closed Session agenda).
- B. A Closed Session will be held by the City Council of the City of Hollister to discuss all or some of the following matters:
1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (2 potential cases will be discussed).
 2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed).
 3. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) –
 - a. RWQCB – Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case No. CU-04-00063
 - d. Borges et al v. Hollister, Case No. CV030139
 - e. City of Hollister v. Albert Rodriguez, et al., Case Number CU-04-00076
 4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union – Local 3395; Hollister Peace Officers Association, Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential.
 5. Conference with Real Property Negotiator pursuant to Government Code section 54956.8
Agency Negotiator: Clint Quilter
Property Owner: City of Hollister
Property Address: 155 Skylane Dr.
Under Negotiation: Price and Term of Payment
 6. Threat to Public Services or Facilities pursuant to Government Code Section 54957:

Consultation with City of Hollister Chief of Police

7:00 P. M. - AGENDA

A. CONSENT RESOLUTION (March 21, 2005):

All items listed under consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a Staff member, or a Citizen.

Consent Items are Numbers A1 and A2.

A1. Minutes of Regular Meeting of March 7, 2005.

Approve Minutes of the Regular Meeting of March 7, 2005, as submitted.

A2. Warrant Registers.

The City Council will ratify and approve the following Warrant Registers:

- March 2, 2005 \$337,464.24
- March 9, 2005 \$305,104.97

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. PUBLIC INPUT.

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the council. When the City Clerk calls your name, please come to the podium, state your name and address for the record, and speak to the Council. Each speaker will be limited to two (2) minutes. Please note that state law prohibits the council from discussing or taking action on any item not on the agenda.

C. PUBLIC HEARINGS (On or About 7:00 p.m.)

1. Resolution No. 2005-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER DECLARING THE CONDITION OF CERTAIN PROPERTIES TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF WEEDS THEREON, AND NOTICING A HEARING FOR THE RECEIPT OF OBJECTIONS TO THE PROPOSED ABATEMENT.

Conduct Hearing.

This Resolution declares the condition of certain properties to constitute a public nuisance due to the existence of weeds, and notices a hearing for the receipt of objections by property owners to the proposed abatement by the City.

2. Minor Subdivision #2003-2 (JaMann Subdivision)

This item is continued to the City Council Agenda of April 4, 2005.

3. Resolution No. 2005-49, A RESOLUTION OF THE CITY COUNCIL OF THE MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IN CONNECTION WITH ADOPTION OF THE GROUNDWATER MANAGEMENT PLAN UPDATE FOR THE SAN BENITO COUNTY PORTION OF THE GILROY-HOLLISTER GROUNDWATER BASIN.

Conduct Public Hearing.

This Resolution makes the Findings of Overriding Consideration and adopts the Mitigation Monitoring and Reporting Program.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Resolution No. 2005-42, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE JULY 2005 MOTORCYCLE RALLY.

This Resolution authorizes the temporary street closures required for the July 2005 Motorcycle Rally.

2. Resolution No. 2005-43, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE SAN BENITO HIGH SCHOOL BAND REVIEW.

This Resolution authorizes the temporary street closures for the annual Band Review to be held May 7, 2005.

3. Resolution No. 2005-44, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ACCEPTING PROPOSALS AND APPROVING A CONTRACT FOR THE ENHANCED VAPOR RECOVERY (EVR) MODIFICATIONS TO THE PHASE I VAPOR RECOVERY SYSTEM FOR THE FUELING TANKS LOCATED AT THE HOLLISTER MUNICIPAL AIRPORT.

This Resolution approves a contract for installation of the Vapor Recovery upgrade and modifications required by the California Air Resources Board (CARB) to the fueling station located the Hollister Municipal Airport.

4. Resolution No. 2005-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE ENGINEERING DEPARTMENT TO ISSUE AN ENCROACHMENT PERMIT FOR THE PURPOSE OF REPLACING THE DECORATIVE TERRAZO IN THE PUBLIC RIGHT OF WAY AT 701 SAN BENITO STREET.

This Resolution authorizes the issuance of an encroachment permit for the purpose of replacing the decorative terrazzo in the public right of way at 701 San Benito Street.

5. Authorization to Hire Two Temporary Animal Control Workers.

City Council authorizes the hiring of two temporary Animal Control workers to replace two temporary employees who are departing.

6. Resolution No. 2005-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER ESTABLISHING FEES PURSUANT TO CHAPTER 5.16 (CARDROOMS).

This Resolution establishes fees for cardroom applications and permits in the City.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Reports from City Council, City Manager, City Attorney, and Staff.

Receive oral reports from the City Council, City Manager Quilter, City Attorney Cass, City Clerk Johnson, and other Staff as applicable.

2. Receive report regarding water and wastewater issues.

Staff will be providing the City Council with an update of water and wastewater issues.

3. Ratify Mayoral appointments to the Fire Task Force.

The City Council will ratify the Mayoral appointments of Tony Bruscia and Bob Connolly to the Fire Task Force.

4. Review of Hollister Independence Rally Contract.

The City Council will review and discuss the Hollister Independence Rally contract.

F. UNFINISHED BUSINESS:

1. Resolution No. 2005-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS FOR PEACE OFFICERS TO STAFF THE 2005 INDEPENDENCE RALLY.

This Resolution authorizes the City Manager to execute contracts for Peace Officers to staff the 2005 Independence Rally.

2. Resolution No. 2005-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A LEASE AGREEMENT WITH MARK GREEN FOR THE DING-A-LING CAFÉ.

This Resolution approves a lease agreement with Mark Green for property at the Hollister Municipal Airport.

G. NEW BUSINESS:

None

H. MISCELLANEOUS:

None.

ADJOURNMENT:

Next Regular City Council Meeting is scheduled for April 4, 2005, at 7:00 P.M.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (831) 636-4304. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].